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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. JOSHUA DEAN FISH, Defendant.	CR 21-01-H-BMM BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE NOTICE OF WITNESS TESTIMONY AT SENTENCING
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The United States of America, represented by Cyndee L. Peterson, Assistant United States Attorney for the District of Montana, hereby submits this brief in support of its motion for leave to file a late notice of witness testimony at the sentencing hearing scheduled for September 30, 2021.

The parties' sentencing memoranda and outstanding objections to the draft presentence report (PSR) in this case were due on September 7, 2021. (Doc. 32 at 2.) Notice of a party's intention to call witnesses at the sentencing hearing was also due on September 7, 2021. (*Id.* at 3.) No objections to the PSR were submitted by the deadline so the government did not anticipate needing to present witness testimony at the sentencing hearing. The defendant filed his objections to the PSR today, September 15, 2021. (Doc. 45.) The government has reviewed the defendant's objections to the PSR. Witness testimony will be needed at the sentencing hearing to respond to the defendant's objections.

Therefore, the government requests leave to file a late notice of witness testimony for the sentencing hearing scheduled on September 30, 2021.

Dated this 15th day of September, 2021.

LEIF M. JOHNSON
Acting United States Attorney

/s/ Cyndee L. Peterson
CYNDEE L. PETERSON
Assistant U. S. Attorney

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. CR 47.2(c), I hereby certify that the foregoing document is proportionately spaced, has a typeface of 14 points or more, and the body of the brief contains 186 words.

DATED this 15th day of September, 2021.

/s/ Cyndee L. Peterson
CYNDEE L. PETERSON
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2021, a copy of the foregoing document was served on the following persons by the following means:

<u>1, 2</u>	CM-ECF
<u> </u>	Hand Delivery
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<u> </u>	E-Mail

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/s/ Cyndee L. Peterson
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